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In re Application of
SPEER ET AL.
U.S. Application: 10/018,250
PCT Application No.: PCT/EP00/05439
International Filing Date: 14 June 2000
Earliest Priority Date: 16 June 1999
Attorney's Docket No.: AZ.3032
For: APPARATUS AND METHOD FOR COATING AN
OPTICALLY READABLE DATE CENTER

NOTICE OF
DEFECTIVE RESPONSE

This is in response to applicants' DECLARATION filed 03 April 2002 which included additional inventors than the international application.

BACKGROUND

On 14 June 2000, applicants filed International Application PCT/EP00/05439 which claimed priority from application 199 27 515.7 filed in Germany on 16 June 1999 and which named Ulrich Speer as the sole applicant for the United States of America. The international application designated the United States. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 December 2000, prior to the expiration of nineteen months from the earliest priority date. Accordingly, the thirty month period for meeting the requirements for entry into the national stage expired at midnight on 17 December 2001.

On 14 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national filing fee and a copy of the international application communicated from the International Bureau. Applicants did not submit an oath or declaration.

On 07 February 2002, the United States Designated/Elected Office (DO/EO/US) mailed applicant a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" which required a signed oath or declaration and a surcharge under 37 CFR 1.492(e). The "NOTIFICATION" set forth a "TWO (2) MONTH" time limit with extensions of time provided under 37 CFR 1.136(a). The two month time limit expires at midnight 08 April 2002.

On 03 April 2002, applicants timely filed a Declaration signed by inventor Ulrich Speer, the only listed inventor in the international application, as well as additional inventors Bjorn Lledtke, Joachim Gordt, James Wise, and Hans-Gerd Esser which were not listed in the international

application. Applicants provide no statement as to the reason for the addition of inventors. Applicants also filed an assignment on 03 April 2002.

DISCUSSION

The DO/EO/US contacted the World Intellectual Property Organization (WIPO) in Geneva, Switzerland on 25 April 2002 to determine whether a change in inventorship for the above mentioned international application had been recorded. WIPO's database did not indicate any change in inventorship and listed Ulrich Speer as the only inventor.

Furthermore, a review of the present declaration reveals that it has not been accompanied by a request under 37 CFR 1.497(d) and therefore is not acceptable.


CONCLUSION

For the above reasons, the declaration is not acceptable.


THE TIME PERIOD FOR RESPONSE SET FORTH IN THE NOTIFICATION OF MISSING REQUIREMENTS (FORM PCT/DO/EO/905) REMAINS IN EFFECT. The time period set forth in the NOTICE OF MISSING REQUIREMENTS may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

A proper response to this Notice must include either (1) a declaration only by Ulrich Speer with an explanation by Ulrich Speer as to why the declaration filed 03 April 2002 was executed or (2) a proper request under 37 CFR 1.497(d) including (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original inventors, the written consent of the assignee (see 37 CFR 3.73(b)).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C., 20231, with the content of the letter marked to the attention of the PCT Legal Office.


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